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OFFICE OF PETITIONS

In re Application of
Horwarth et al.
Application No. 09/496,249
Filed: February 2, 2000
Attorney Docket No. CM-0002

DECISION ON PETITION

This is a decision on the petition filed on April 5, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed August 27, 2003. This Office action set a shortened statutory period for reply of three (3) months. An amendment, made timely by an accompanying petition (and fee) for extension of time for response within the first month, was filed on December 24, 2003; however, it was determined by the examiner not to place the application in condition for allowance (See Advisory Action mailed January 30, 2004). No further extensions of time under the provisions of 37 CFR 1.136(a) were obtained and no proper reply having been received, the application became abandoned on December 28, 2003. A Notice of Abandonment was mailed on March 29, 2004.

With the instant petition, petitioner filed a Request for Continued Examination (RCE) under 37 CFR 1.114, with previous amendment noted as the submission and payment of the RCE fee. The RCE has been accepted as the required reply under 37 CFR 1.137(b)(1). Petitioner has met all other requirements of 37 CFR 1.137(b).

The examiner in Technology Center 2859 has been advised of this decision. The RCE and submission will be considered in due course. Receipt of a Notice of Appeal (and Fee) is acknowledged.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-0309.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions